

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: October 3, 2003
	)	
Thayer Mackenzie, M.D.	)	DOCKET NO.: 03F-047
Medical Officer (Former)	)	
Department of Health	)	
4103 Stanford Street	)	
Chevy Chase, Maryland 20015	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Dr. Thayer Mackenzie, Medical Officer, Department of Health, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 6, 2003, August 18, 2003 and September 2, 2003, OCF ordered Dr. Thayer Mackenzie (hereinafter respondent), to appear at scheduled hearings on August 15, 2003, August 28, 2003 and September 12, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 9, 2003, respondent contacted OCF by telephone to inform that he resigned from government service in March 2002, and that he is now retired. Respondent further stated he did realize he had further responsibilities or obligations to the District after leaving its service. Respondent stated that since his retirement, he paid little attention to routine mail from the District Government, and apologized for his carelessness. Respondent agreed to file an affidavit and the required Financial Disclosure

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Statement. On September 16, 2003, OCF received an affidavit from respondent, reiterating the foregoing, and a fully executed, final Financial Disclosure Statement.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent resigned his employment with the District Government in March 2002.
2. Respondent timely filed a Financial Disclosure Statement on April 26, 2002.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent filed the required Financial Disclosure Statement on September 16, 2003.
5. OCF provided notice to file if the filer ceases to serve prior to May 15<sup>th</sup> of any year, and within 30 days of any change in information on its Financial Disclosure Statement form.
6. Respondent has no history of prior filing delinquencies.
7. Respondent's explanation for the filing delinquency is credible in that he asserted his belief that he had no further obligations to the District Government after leaving its service.
8. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

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3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, and his filing history, constitute good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine be hereby suspended in this matter.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

\_\_\_\_\_  
**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.